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201-312-6338

November 27, 2024

***Via ECF Only***

Hon. Mary Kay Vyskocil  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 18C  
New York, New York 10007-1312

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Re: Plaintiff: Reyes Mojica  
Defendants: Business Management Consultants, Inc. and "John Doe"  
Docket No.: 1:24-cv-04829-MKV

Your Honor:

Our office represents defendant, Business Management Consultants, Inc., in the referenced automobile personal injury matter. We respectfully submit this letter- motion to request an extension of time to submit a status report and proposed revised scheduling order with respect to remaining fact discovery and the need for expert discovery to January 27, 2025, and an adjournment of the December 17, 2024, status conference to a date thereafter. All parties consent to this adjournment request.

Pursuant to Your Honor's initial Case Management and Scheduling Order dated August 26, 2024, fact discovery is to be completed by December 15, 2024, and depositions completed by November 30, 2024, and a joint status report submitted to the court by December 10, 2024. While the parties have been diligently working together to complete discovery, we will need additional time to complete party depositions and retrieve medical records from plaintiff's treatment providers as well as to conduct IMEs.

To date, Rule 26 Initial Disclosures were exchanged by the parties. Defendants served initial requests for production and Interrogatories on Plaintiff on September 13, 2024. Responses with attached authorizations were recently received by our office on November 7, 2024. We have made a follow-up request for corrected and additional authorizations related to plaintiff's prior medical records and most recent treatment providers. We anticipate receiving these authorizations early next week. While we have received a return on many of plaintiff's medical records from previously provided authorizations, we will need time to retrieve these additional records from Plaintiff's medical providers following receipt of these authorizations from plaintiff's counsel. As a result, the scheduling of party depositions has been delayed. Also, we very recently became aware that plaintiff was recommended for and contemplating a three-level cervical fusion surgery as well as surgery to her lumbar spine. It is unclear from records received whether these procedures

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have been scheduled by plaintiff. Should plaintiff intend to proceed with surgery, defendants also intend to request that they be afforded the opportunity to conduct a pre-surgical IME of plaintiff.

For these reasons, we respectfully request that the parties be permitted additional time to complete fact discovery and to submit a status report and proposed revised scheduling order to January 27, 2025, at which time we will have a more realistic sense of the date by which party depositions, post deposition demands and IMEs will be held and by which the parties' medical expert reports can be exchanged. We will also continue to discuss settlement and whether we will seek a settlement conference with the Court or private mediation following the completion of fact discovery.

We thank the Court in advance for its patience, understanding and consideration.

Respectfully submitted,

GALLO VITUCCI KLAR LLP

/s/ Lauren M. Abbamonte

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Lauren M. Abbamonte (LMA 3770)

cc: All parties via ECF


The parties are admonished for not meeting the discovery deadlines set by the Court and not timely seeking an extension to complete depositions.

Nevertheless, the parties' request to extend the deadline to complete fact discovery is GRANTED. It is HEREBY ORDERED that parties shall complete all fact discovery, including depositions, on or before January 27, 2025. IT IS FURTHER ORDERED that the status conference scheduled for December 17, 2024 is HEREBY ADJOURNED to February 4, 2025 at 2:30 PM. IT IS FURTHER ORDERED that, one week in advance of the conference, the parties shall submit a joint letter advising the Court of the status of the case including the status of discovery and the status, but not the substance, of settlement efforts.

**No further extensions will be granted absent extenuating circumstances. The parties are reminded that failure to comply with this Order or with any order of the Court or failure to comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties' discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.**

**SO ORDERED.**

Date: Dec. 5, 2024  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge